

2008 Selected Legislation of Interest to the Judiciary

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Please Direct Any Inquiries to

Patricia Tobias, Administrative Director of the Courts // ptobias@idcourts.net

Michael Henderson, Legal Counsel // mhenderson@idcourts.net

Idaho Supreme Court, P.O. Box 83720, Boise, Idaho 83720-0101 // (208) 334-2246

*This summary and the bills highlighted can be found on the Judiciary's home page at:
<http://www.isc.idaho.gov/legislat.htm>*

*All bills filed during the 2008 legislative session and their status are available on the
Legislative home page at: <http://www.legislature.idaho.gov/>*

**SUMMARY OF
2008 SELECTED LEGISLATION
OF INTEREST TO THE JUDICIARY**

Bill Number

Page of Attached Bills

References are to 2008 Idaho Session Laws

♦ 1. APPROPRIATIONS ♦

H0608 – APPROPRIATIONS – Appropriates \$300,600 for the Office of Drug Policy and \$14,729,000 for statewide community based substance abuse services. (Page 1)

Session Law Chapter 225

Effective 07/01/08

With exception of page 1, lines 25-31, in amount of \$14,368,800 - Line item Vetoed

H0650 – APPROPRIATIONS – FY 2009 appropriation to the Department of Health and Welfare for the Substance Abuse Treatment and Prevention division, appropriating \$20,938,200. (Page 3)

Session Law Chapter 324

Effective: 07/01/08

H0651 – APPROPRIATIONS – FY 2009 appropriation to the Department of Health and Welfare for Mental Health Services, appropriating \$40,514,300. (Page 5)

Session Law Chapter 355

Effective: 07/01/08

H0658 – APPROPRIATIONS – Appropriates additional funds to ISP for FY 2009, including \$115,900 and the authorization of an additional position for an officer to provide protection and law enforcement for the Supreme Court and Court of Appeals; also appropriates \$239,400 to ISP for Forensic Services. (Page 8)

Session Law Chapter 356

Effective: 07/01/08

H0695 – APPROPRIATIONS – Supplemental appropriation of \$2,145,400 for substance abuse treatment in FY 2008, and appropriation of \$12,932,000 for substance abuse treatment in FY 2009. (Represents a 10% decrease in the total funds appropriated for substance abuse treatment in SB 1458 and HB 608, which were line-item vetoed by the Governor.) (Page 9)

Session Law Chapter 398

Effective: 04/09/08 Section 1; 07/01/08 All other sections

S1469 – APPROPRIATIONS – FY 2009 appropriation from the Millennium Fund for \$4,169,900, including \$420,000 for the Idaho Supreme Court for its youth courts and status offender services programs as they relate to addressing tobacco and/or substance abuse issues. (Page 11)

Session Law Chapter 276
Effective: 07/01/08

S1498 – APPROPRIATIONS – Appropriates moneys from the Permanent Building Fund, including \$175,600 for the Law Learning Center. (Page 13)

Session Law Chapter 338
Effective: 04/01/08 Section 5; 07/01/08 All other sections

S1502 – APPROPRIATIONS – FY 2009 appropriation bill for the Supreme Court, appropriating \$42,326,300. (Page 15)

Session Law Chapter 342
Effective: 07/01/08

S1505 – APPROPRIATIONS – Trailer bill appropriating \$512,800 for the 3% salary increase for justices and judges. (Page 17)

Session Law Chapter 345
Effective: 07/01/08

S1508 – APPROPRIATIONS – Supplemental FY 2008 appropriation for the Department of Correction, appropriating \$4,608,200 for converting a Prison Industry Enterprise building to 304 minimum custody treatment beds to address substance abuse. (Page 18)

Session Law Chapter 346
Effective: 04/01/08 Sections 1, 2 & 3; 07/01/08 All other sections

S1458 – SUBSTANCE ABUSE – Appropriates \$3,579,000 for the Office of Drug Policy. (Page 189)

◆ 2. BUSINESS ◆

S1262 – BUSINESS – Amends the Idaho Entity Transactions Act to incorporate changes made to the Model Entity Transaction Act by the Uniform State Law Commissioners. (Page 20)

Session Law Chapter 36
Effective: 07/01/08

S1350 – BUSINESS – Adopts the Uniform Limited Liability Company Act. (Page 29)

Session Law Chapter 176
Effective: 07/01/08 Sections 1 through 4; 07/01/10 Section 5

S1393 – BUSINESS – Enacts new chapter providing that businesses may enter into non-competition agreements with key employees and key independent contractors for a period of up to 18 months following termination. (Page 49)

Session Law Chapter 295

Effective: 07/01/08

♦ 3. CHILDREN AND FAMILIES ♦

H0575 – CHILDREN – Modifies the definition of “teens at risk” in the Children’s Mental Services Act to include all individuals attending Idaho secondary public schools exhibiting certain symptoms. (Page 51)

Session Law Chapter 219

Effective: 07/01/08

S1287 – JUVENILES – Amends I.C. § 20-520 to clarify that the Custody Review Board makes the determination of whether to extend a juvenile’s custody beyond the juvenile’s nineteenth birthday. (Page 53)

Session Law Chapter 41

Effective: 07/01/08

♦ 4. COURTS ♦

H0370 – COURTS – Provides that the Idaho State Police has responsibility for law enforcement at the Supreme Court Building, and shall provide security for the Supreme Court and the Court of Appeals while they are in session and at their places of work. (Court bill.) (Page 55)

Session Law Chapter 85

Effective: 07/01/08

H0408a – COURTS – Authorizes POST training and certification of misdemeanor probation officers; provides for enhanced penalties for assaults and batteries upon misdemeanor probation officers; increases the maximum misdemeanor probation supervision fee to the same level as the felony probation supervision fee. (Court bill.) (Page 58)

Session Law Chapter 88

Effective: 07/01/08

H0409 – COURTS – Moves the certification of shorthand reporters under the Bureau of Occupational Licenses. (Page 65)

Session Law Chapter 68

Effective: 07/01/08

HCR045 – COURTS – Establishes an interim committee to study the property tax system, including whether some of the expenditures of property tax revenues might more reasonably be covered from other revenue sources, and to make recommendations to provide property tax relief while furthering “the improved administration of the state’s criminal justice, juvenile justice and court systems.” (Page 69)

S1270 – COURTS – Adds a fourth judge to the Court of Appeals. (Court bill.) (Page 71)

Session Law Chapter 24

Effective: 07/01/08; New Judge Effective January 1, 2009

S1271 – COURTS – Removes requirement that the state law library be kept in the Capitol or in the Supreme Court Building. (Court bill.) (Page 73)

Session Law Chapter 25

Effective: 02/21/08

S1272 – COURTS – Removes obsolete provisions relating to compensation of court reporters; removes requirement that transcripts be prepared in the order in which the orders for such transcripts have been received by the court reporter. (Court bill.) (Page 74)

Session Law Chapter 33

Effective: 07/01/08

S1288 – COURTS – Amends the provisions relating to District Magistrates Commissions to provide that the magistrate judge member of the Commission is a voting member, that an attorney member is disqualified if he or she has been a law partner of a magistrate judge candidate within the previous five years, that the trial court administrator is the secretary of the Commission unless the Administrative District Judge or the district judge designee designates another member of the Commission as secretary, and to eliminate the requirement of duplicate minutes. (Court bill.) (Page 76)

Session Law Chapter 38

Effective: 07/01/08

♦ 5. CRIMES AND CRIMINAL PROCEDURE ♦

H0381 – CRIMES – Requires any violent sexual predator to be electronically monitored during any period of probation or parole; makes it a felony to tamper with electronic monitoring equipment. (Page 78)

Session Law Chapter 65

Effective: 07/01/08

H0382a – CRIMES – Amends I.C. § 18-8329 to clarify provisions prohibiting sex offenders from being on school grounds or loitering or residing within 500 feet of school grounds; provides that the 500 foot restriction is measured from the exterior wall of the offender's dwelling unit to the school's property line; provides for posting of properties used by a school, and forbids offenders from being within 500 of the property during a school activity or when children are present 30 minutes before or after such activity; provides exceptions for voting, taking delivery of mail, and presence with written permission of principal or vice-principal. (Page 80)

Session Law Chapter 250

Effective: 07/01/08

H0417a – CRIMES – Prohibits sex offenders who are required to register from residing with more than one other person required to register; allows sex offenders to petition the district court to be permitted to reside with more than one other person required to register; allows counties and cities to establish standards for residential houses for registered sex offenders; provides that violations of these provisions is a misdemeanor. (Page 84)

Session Law Chapter 124

Effective: 03/17/08

H0442 – CRIMES – Amends I.C. §§ 18-1505 and 39-5302 to add unjust or improper use of a financial power of attorney to the definition of exploitation of a vulnerable adult. (Page 88)

Session Law Chapter 209

Effective: 07/01/08

H0456 – CRIMINAL PROCEDURE – Amends chapter 45, title 19, relating to extradition, to make Idaho's provisions consistent with those of other states and with the Uniform Criminal Extradition Act of 1936. (Page 90)

Session Law Chapter 136

Effective: 07/01/08

H0523 – CRIMES – Amends I.C. § 19-5304 to provide that "victim," for purposes of restitution, includes a person or entity who makes "payments to or on behalf of a directly injured victim to pay or settle a claim or claims against such person or entity in tort or pursuant to statute and arising from the crime." (Page 97)

Session Law Chapter 140

Effective: 07/01/08

H0541a – CRIMES – Amends I.C. § 18-920 to provide that a third offense of violation of a no contact order within 5 years of the first conviction is a felony carrying a maximum sentence of 5 years imprisonment and a \$5,000 fine. (Page 100)

Session Law Chapter 259

Effective: 07/01/08

H0559 – ABORTION – Requires the Department of Health and Welfare to post information on the Internet regarding the services available to assist women through pregnancy and at and after childbirth, physical characteristics of a fetus, and abortion procedures including complications and risks; requires physicians to provide pregnant patients inquiring about an abortion with the address of the website providing such information before or while scheduling an abortion-related appointment. (Page 103)

Session Law Chapter 348

Effective: 01/01/09 with mandate prior to that date regarding website

H0643 – CRIMES – Adopts the Idaho Invasive Species Act of 2008, prohibiting the introduction of invasive species; provides that a knowing violation is a misdemeanor punishable up to 12 months in jail and a fine of up to \$3,000. (Page 105)

Session Law Chapter 387

Effective: 04/09/08

H0654a – CRIMES – Makes threatening or conspiring to physically injure or kill a pregnant woman, with intent to induce her to have an abortion, a misdemeanor; makes inflicting physical injury on a woman, with intent to induce her to have an abortion, a felony; allows a pregnant woman injured by a violation of this section to bring a civil suit. (Page 108)

Session Law Chapter 388

Effective: 07/01/08

HCR058 – CRIMES – Authorizes the Board of Correction to enter into agreements with the State Building Authority to provide for the development of a secure mental health treatment facility.

S1260 – CRIMES – Makes it a felony to own, possess, keep, train, buy or sell dogs for the purpose of dog fighting, or to knowingly advertise, promote, organize, participate in or have a monetary interest in a dog fighting event; makes it a misdemeanor to be knowingly present at a dog fight. (Page 111)

Session Law Chapter 32

Effective: 07/01/08

S1273 – CRIMES- Clarifies that the animal cruelty statute, I.C. § 25-3504, applies both to the animal's owner and to others. (Page 112)

Session Law Chapter 47

Effective: 02/27/08

S1317 – CRIMES – Provides that a prisoner who has a parole eligibility date falling on a weekend or holiday may be granted a parole release date on the previous weekday. (Page 114)

Session Law Chapter 42

Effective: 07/01/08

S1319 – CRIMES – Makes it a felony for any DJC employee to have sexual contact with a juvenile offender; makes it a felony for any DOC employee supervising parolees or probationers to have sexual contact with any parolee or probationer. (Page 115)

Session Law Chapter 60

Effective: 07/01/08

S1339a – CRIMES – Permits court to order persons convicted of misuse of public moneys to apply for distribution of retirement moneys to make restitution, unless other funds are available. (Page 118)

Session Law Chapter 238

Effective: 03/25/08

S1349 – CRIMES -- Amends the statutes pertaining to misuse of public moneys; makes it a felony for any public officer or public employee to misuse public money, as defined in the statute, if the amount misused is at least \$300, or if the public officer or public employee is charged with the receipt, safekeeping or disbursement of public money; makes other misuses of public money by public officers and employees a misdemeanor. (Page 122)

Session Law Chapter 56

Effective: 03/03/08

S1357 – CRIMES – Amends I.C. § 18-3126, defining the crime of misappropriation of personal identifying information, to provide that the intent to use such information to obtain credit, money, goods or services is sufficient; there need not be intent to obtain such items in the name of the person whose identifying information is misappropriated. (Page 125)

Session Law Chapter 78

Effective: 07/01/08

S1362 – CRIMES – Amends I.C. § 18-915, which provides increased penalties for assaults and batteries on certain persons; provides for increased penalties for such crimes against certain officials, including present or former justices and judges, because of their exercise of official duties or former or present official status. (Page 126)

Session Law Chapter 151

Effective: 07/01/08

S1370a – CRIMES – Amends I.C. § 18-1506 to provide that inducing, causing or permitting a minor child to witness an act of sexual conduct constitutes sexual abuse; defines “sexual conduct.” (Page 129)

Session Law Chapter 240

Effective: 07/01/08

S1371 – CRIMES – Authorizes courts to order a person found guilty of leaving the scene of an injury accident to pay restitution for the amount of the victim’s economic loss resulting from the incident that created the duty to stop and report. (Page 131)

Session Law Chapter 152

Effective: 07/01/08

S1372a – CRIMES – Allows persons other than scrap dealers to be convicted of scrap transportation violations. (Page 133)

Session Law Chapter 100

Effective: 07/01/08

S1422a – CRIMINAL PROCEDURE – Amends I.C. § 18-4004A to provide that a notice of intent to seek the death penalty must be filed within 60 days, rather than 30 days, of the entry of a plea, and that the court may extend this time limit, for a reasonable period of time, for good cause and upon a stipulation by the state and the defense. (Page 136)

Session Law Chapter 300

Effective: 07/01/08

S1438a – CRIMES – Makes it a misdemeanor for certain persons to possess a taser or stun gun; makes it a felony to use such a device during the commission of a felony. (Page 138)

Session Law Chapter 333

Effective: 07/01/08

SCR124 – PRISONS – Allows the State Board of Correction and Division of Public Works to enter into a lease purchase agreement for the Correctional Alternative Placement Program facility at a maximum cost of \$50,416,857 over a 20-year period. (Page 140)

◆ 6. ELECTIONS ◆

S1514 – ELECTIONS – Provides that the secretary of state or county clerk, upon finding that: (1) a candidate has at some time changed his or her name; (2) the new name conveys a political message; and (3) an explanation would clarify the ballot and assist in eliminating confusion, shall insert, following the candidate's name, "A person, formerly known as [candidate's previous name]." (Page 142)

04/01 Rpt enrol - Pres signed - Sp signed - To Governor

◆ 7. FISH AND GAME ◆

H0472 – FISH & GAME – Provides for two-pole fishing permits. (Page 143)

Session Law Chapter 211

Effective: 07/01/08

H0473 – FISH & GAME – Increases penalties for violation of the provisions relating to licensing of outfitters and guides; also allows courts to suspend the hunting and fishing licenses of persons found guilty of violating the licensing requirements for outfitters and guides. (Page 145)

Session Law Chapter 112

Effective: 07/01/08

S1373 – FISH & GAME – Includes damage caused by grizzly bears in the program of compensation for depredation damage. (Page 148)

Session Law Chapter 101

Effective: 03/14/08

S1374a – FISH & GAME – Provides that owners of livestock or domestic animals, their employees and agents, and animal damage control personnel may dispose of wolves that are molesting or attacking livestock or domestic animals. (Page 150)

Session Law Chapter 294

Effective: 03/28/08

◆ 8. GUARDIANSHIPS, ESTATES, AND TRUSTS ◆

S1325 – CONSERVATORS – Provides for appointment as conservator of the individual or corporation nominated as conservator by the protected person in a financial power of attorney, or the individual or corporation nominated as agent in the financial power of attorney. (Page 153)

Session Law Chapter 145

Effective: 07/01/08

S1326 – GUARDIANS AND CONSERVATORS – Provides for transfer and recognition of foreign guardianships and conservatorships for developmentally disabled persons. (Page 155)

Session Law Chapter 73

Effective: 07/01/08

S1327 – GUARDIANS – Adds provisions to restrict convicted felons from residing with or frequenting the residence of an incapacitated person without a court order; clarifies that an incapacitated person may nominate a person as guardian through the naming of a person as health care agent in a durable power of attorney for health care. (Page 159)

Session Law Chapter 74

Effective: 07/01/08

S1328 – ESTATES – Eliminates a conflicting provision regarding notice of testacy proceedings. (Page 163)

Session Law Chapter 75

Effective: 07/01/08

S1333 – ESTATES – Provides method for execution of a will by persons who are illiterate or physically unable to sign. (Page 165)

Session Law Chapter 76

Effective: 07/01/08

S1419 – ESTATES – Restructures allowances in the Idaho Probate Code including the homestead allowance. (Page 167)

Session Law Chapter 182

Effective: 07/01/08

S1335 – POWER OF ATTORNEY – Adopts the Uniform Power of Attorney Act. (Page 207)

Session Law Chapter 186

Effective: 07/01/08

◆ 9. MENTAL HEALTH/SUBSTANCE ABUSE ◆

H0389a – SUBSTANCE ABUSE – Makes unauthorized disclosure or obtaining of information from the controlled substance database a misdemeanor. (Page 171)

Session Law Chapter 129

Effective: 07/01/08

H0508 – SUBSTANCE ABUSE – Amends definitions in I.C. § 39-302 relating to treatment for substance abuse, including definitions of “addiction” and “alcoholism.” (Page 175)

Session Law Chapter 94

Effective: 07/01/08

H0591a – SUBSTANCE ABUSE – Allows Department of Health and Welfare to engage in preferred contracting with private substance abuse treatment providers. (Page 177)

Session Law Chapter 317

Effective: 07/01/08

S1426a – MENTAL HEALTH – Amends provisions relating to commitments; adds to definitions of “likely to injure himself or others” and “gravely disabled” to include persons who refuse treatment or fail to understand their need for treatment, and who, if left untreated, will deteriorate to the point that they will fall within the existing definitions within the reasonably near future; allows court to hold involuntary commitment proceedings in abeyance during voluntary treatment; allows venue in the county where the proposed patient was found immediately before the commencement of proceedings; adds an outpatient commitment process. (Page 179)

Session Law Chapter 331

Effective: 07/01/08

◆ 10. MISCELLANEOUS ◆

H0465 – HOUSING – Amends I.C. §§ 67-6531 and 67-6532, relating to group residences for handicapped or elderly persons; provides that the limitations on zoning and other restrictions of such residences shall not apply to residences of persons who are on probation or parole, who are required to register as sex offenders, or whose tenancy would otherwise constitute a direct threat to the health or safety of others or would result in substantial physical damage to property. (Page 190)

Session Law Chapter 123

Effective: 03/17/08

H0515 – FIREARMS – Enacts Idaho Outdoor Shooting Range Act to provide standards for outdoor shooting ranges; provides that a person may not maintain a nuisance action for noise against a state outdoor sport shooting range that is in compliance with the noise standards contained in the Act. (Page 192)

Session Law Chapter 116

Effective: 07/01/08

H0545 – CITIES – Revises the requirements for annexation of land by a city; provides that a Category A annexation requires consent, rather than simply no objection, from all the landowners; eliminates future implied consent to annexation arising from a property’s owner’s hook-up to water or sewer services. (Page 194)

Session Law Chapter 118

Effective: 07/01/08

H0557 – AGRICULTURE - Permits open burning of crop residue when approved by the Department of Environmental Quality; sets permissible air quality levels for such burns; amends public records provisions to provide that information regarding open burning is not exempt from disclosure. (Page 198)

Session Law Chapter 71

Effective: 03/07/08

H0604 – FIREARMS – Defines “outdoor sport shooting range” and provides for manner in which local governments may regulate them; provides for preemption of local authority with regard to noise standards at such ranges. (Page 201)

Session Law Chapter 318

Effective: 07/01/08

H0606 – TRANSPORTATION – Prohibits the Department of Transportation from implementing the provisions of the federal Real ID Act. (Page 203)

Session Law Chapter 385

Effective: 07/01/08 Sections 1 & 2 with contingencies involving US
Homeland Security, revision of administrative regulation CFR Part 37,
Governor's review & issuance of Governor's Executive Order

S1342 – DOMESTIC RELATIONS – Amends I.C. § 32-303 to clarify that former lieutenant governors, former federal judges and former mayors cannot solemnize marriages; provides that current tribal judges of Idaho Indian tribes or other tribal officials approved by an official act of an Idaho Indian tribe may solemnize marriages. (Page 221)

Session Law Chapter 46

Effective: 07/01/08

S1356a – PUBLIC OFFICERS – Requires elected sheriffs to complete a tutorial on current Idaho law prescribed by POST Academy, unless he or she is already a certified chief of police, peace officer or detention officer, and to attend a school sponsored by the Idaho Sheriffs' Association. (Page 222)

Session Law Chapter 329

Effective: 07/01/08

S1380a – IDENTITY THEFT – Allows consumers to place a security freeze on their credit reports. (Page 224)

Session Law Chapter 177

Effective: 07/01/08

S1441 – FIREARMS – Prohibits counties, cities and other political subdivisions from regulating the sale, acquisition, transfer, ownership, possession, transportation, carrying or storage of firearms or ammunition; allows such subdivisions to regulate or restrict the discharge of firearms, with certain exceptions. (Page 232)

Session Law Chapter 304

Effective: 03/28/08

S1446 – LOBBYING – Amends the provisions relating to lobbying to provide that “executive official” includes any deputy or staff member of an elected state executive branch official who is directly involved in major policy influencing decisions; amends definition of lobbying to include developing or maintaining relationships with, or promoting goodwill with, or entertaining members of the Legislature or executive officials; adds a reporting requirement for lobbyists; amends I.C. § 18-1356 to extend the prohibition on acceptance of pecuniary benefits to executive officials. (Page 234)

Session Law Chapter 306

Effective: 07/01/08

◆ 11. MOTOR VEHICLES ◆

H0366 – MOTOR VEHICLES – Provides that persons who are not lawfully present in the United States are not eligible for driver’s licenses, and that licenses issued to persons who are not citizens or permanent legal residents shall have an expiration date no later than the end of their lawful stay in the United States. (Page 243)

Session Law Chapter 63

Effective: 07/01/08

H0429 – MOTOR VEHICLES – Requires most motor vehicle liability insurance policies to include underinsured motorist coverage, which may be declined by the insured. (not attached)

Session Law Chapter 69

Effective: 01/01/09

H0586 – MOTOR VEHICLES – Gives Department of Environmental Quality authority to establish a vehicle emission testing and maintenance program to control pollution from vehicles in areas approaching failure to meet air quality standards. (Page 251)

Session Law Chapter 368

Effective: 07/01/08

H0602a – MOTOR VEHICLES – Revises registration requirements for ATVs, utility vehicles and motorbikes. (Page 253)

04/01 Pres signed - To Governor

S1307 – MOTOR VEHICLES – Renumbers the subdivisions of I.C. § 49-326A to clarify that courts take the primary role in determining the period of driver license suspension following incarceration. (Page 267)

Session Law Chapter 45

Effective: 07/01/08

S1361a – MOTOR VEHICLES – Adopts a new section making it an infraction, punishable by a fine of not less than \$75 (equivalent to a total penalty of not less than \$116.50) to violate school zone speed limits. (Page 269)

Session Law Chapter 372

Effective: 07/01/08

S1379a – MOTOR VEHICLES – Allows requirements of chains or traction devices on certain commercial vehicles on Lookout Pass, Fourth of July Pass or Lolo Pass when they are of an unsafe condition. (Page 273)

Session Law Chapter 330

Effective: 04/01/08

S1442 – MOTOR VEHICLES – Amends the provisions relating to driver's instruction permits; provides that the time period of supervised driving time is to be not less than six months. (Page 285)

Session Law Chapter 194

Effective: 07/01/08

◆ 12. PROPERTY ◆

H0448 – PROPERTY – Allows the director of the Department of Finance to seek various remedies in district court for violations of the Idaho Escrow Act, including temporary or permanent injunctions, a declaratory judgment, freezing of assets, or an order of restitution. (Page 290)

Session Law Chapter 311

Effective: 07/01/08

H0491 – PROPERTY – Changes the size of real property that may be financed with a deed of trust from 40 acres to 80 acres. (Page 292)

Session Law Chapter 365

Effective: 07/01/08

S1324a – PROPERTY – Provides for community property with right of survivorship. (Page 295)

Session Law Chapter 175

Effective: 07/01/08

S1334 – PROPERTY – Amends provisions relating to the suspension of the power of alienation of real property. (Page 297)

Session Law Chapter 77

Effective: 07/01/08

S1431 – PROPERTY -- Enacts Consumer Foreclosure Protection Act, providing that certain contracts entered into while a residential home is in the foreclosure process must be in writing and that the consumer has a five-day right of rescission on such contracts. (Page 299)

Session Law Chapter 192

Effective: 07/01/08

♦ 13. PUBLIC EMPLOYEES ♦

H0339 – PUBLIC EMPLOYEES – Changes annual leave entitlement for state employees for National Guard or military reserve duty from 15 days to 120 hours. (Page 305)

Session Law Chapter 126

Effective: 07/01/08

HCR049 – PUBLIC EMPLOYEES – Adopts CEC recommendation of a 3% increase in compensation for state employees. (Page 306)

S1252a – PUBLIC EMPLOYEES – Amends provisions relating to overtime compensation and comp time; provides that employees who become executives have 12 months to use any comp time balance; adds exempt employees under federal law to those who are ineligible for time-and-a-half for overtime; limits comp time balances for administrative, professional and exempt employees to 240 hours; conforms definitions of administrative and professional employees and computer workers to federal definitions. (Page 308)

Session Law Chapter 196

Effective: 07/01/08

♦ 14. PUBLIC RECORDS & OPEN MEETINGS ♦

H0501 – PUBLIC RECORDS – Allows victims of domestic violence, stalking, rape, malicious harassment, lewd conduct, sexual abuse, or sexual exploitation to apply to the Secretary of State for an address and for designation of the Secretary of State as the victim's agent for purposes of receipt of process and receipt of mail. (Page 320)

Session Law Chapter 232

Effective: 07/01/08

S1321 – PUBLIC RECORDS – Creates a digital repository for state publications. (Page 324)

Session Law Chapter 81

Effective: 07/01/08

♦ 15. TORTS & CIVIL PROCEDURE ♦

H0517a – CONSUMERS – Amends the Consumer Protection Act to provide that an elderly or disabled person who brings an action for a practice declared unlawful by the Act may recover an enhanced penalty of \$15,000 or treble damages, whichever is greater, if the defendant knew the victim was elderly or disabled, and if the unlawful practice resulted in certain types of damages. (Page 327)

Session Law Chapter 257

Effective: 07/01/08

S1261 – MEDIATION – Adopts the Uniform Mediation Act. (Page 331)

Session Law Chapter 35

Effective: 07/01/08

S1355 – ATTACHMENTS – Raises exemption from attachments and levies for motor vehicles from \$3,000 to \$5,000. (Page 335)

Session Law Chapter 57

Effective: 07/01/08

S1420a – TORTS – Extends immunity from liability to any person who reasonably renders emergency care using a defibrillator at the scene of an accident or emergency. (Page 336)

Session Law Chapter 299

Effective: 07/01/08

◆ 16. WATER RIGHTS ◆

H0428 – WATER – Provides for the Idaho Water Resource Board and the Department of Water Resources to conduct a statewide comprehensive aquifer planning and management effort over the next ten years. (Page 339)

Session Law Chapter 134

Effective: 07/01/08

H0619 – WATER – Permits the diversion, without a water right, of small amounts of water from natural water courses for forest dust abatement and forest practices defined by the Idaho Forest Practice Act; provides an appeal process for water right holders who believe they are being deprived of water by such use. (Page 340)

Session Law Chapter 225

Effective 07/01/08

With exception of page 1, lines 25-31, in amount of \$14,368,800 - Line item Vetoed

HJM008 – WATER – Memorial supporting and encouraging studies of additional water storage projects. (Page 342)

HJM011 – WATER – Urges U.S. Forest Service to pursue mediation, consultation and coordination with private property owners holding easements pursuant to the Wild and Scenic Rivers Act before pursuing litigation. (Page 344)

S1348 – WATER – Exempts mining operations from forfeiture of water rights for nonuse, where the nonuse results from closure, suspension or reduced production due in whole or part to mineral prices. (Page 346)

Session Law Chapter 239

Effective: 03/25/08 for all existing water rights but not to reinstate forfeited water rights

S1352 – WATER – Restores fees for filing notices of claims for water adjudication to level existing prior to the legislation establishing the North Idaho Adjudication. (Page 348)

Session Law Chapter 148

Effective: 07/01/08

S1354 - WATER – Defers participation of individual domestic water users in the North Idaho Adjudication. (Page 350)

Session Law Chapter 149

Effective: 03/17/08

S1418 – WATER – Removes administrative basin 98 from the Northern Idaho Water Rights Adjudication. (Page 351)

Session Law Chapter 159

Effective: 07/01/06

S1449a – WATERWAYS – Increases civil penalties for encroachment violations that cause substantive harm to lakes. (Page 353)

Session Law Chapter 334

Effective: 07/01/08

S1470 – LANDS – Allows Department of Lands to enter into agreements with owners of land adjacent to accreted land along a navigable river for the issuance of a disclaimer of interest in the accreted land in exchange for a reservation of a public use right-of-way along the navigable river. (Page 356)

Session Law Chapter 371

Effective: 07/01/08

♦ 17. BILLS NOT ENACTED ♦

(The Legislative Bills in this Section are Not Attached.)

H0368 – COURTS – Comprehensive revision of I.C. § 31-3201A, the civil filing fees and court costs statute.

H0369 – COURTS – Creates a Judges' Retirement Stabilization Fund to ensure that the assets of the Judges' Retirement Fund are sufficient to fund the liabilities of that fund.

H0386 – COURTS – Provides an additional annual distribution of \$2,021,300 from the Liquor Account to fund 275 additional spots in misdemeanor drug courts and DUI courts.

H0511a – CHILDREN – Creates a Child Mortality Prevention Team to examine records of all reviewable child deaths in Idaho and make recommendations to prevent child deaths.

H0540 – CRIMES – Amends I.C. § 39-6312 to increase the maximum fine for a first offense of violation of a civil protection order from \$500 to \$1,000, provide that a second offense within 10 years of the first conviction carries a maximum jail term of two years and a maximum fine of \$2,000, and that a third offense within 15 years is a felony carrying a maximum sentence of five years and \$5,000.

H0565 – WATER – Provides that an owner of property vested with riparian or littoral rights shall not be deemed to have transferred or abandoned such rights to the state by virtue of a right-of-way deed or easement granted to the state prior to March 4, 1953.

H0576 - NAME CHANGE – Would require persons seeking a name change to submit a criminal background check.

H0579 – TAXES – Allows voters in a taxing district to limit the property tax portion of the district's budget by initiative petition and a two-thirds vote.

S1263 – Adopts the Uniform Child Abduction Prevention Act, giving courts authority upon certain factual findings to issue orders aimed at preventing child abduction.

S1279 – WATER – Repeals the statutes establishing the Northern Idaho Water Adjudication.

S1291 – PUBLIC OFFICERS – Requires public officers and candidates for public office to file financial disclosure statements. (The definition of “public officer” set forth in the statute includes Supreme Court justices and judges of the Court of Appeals, but not district judges or magistrate judges.)

S1292 – ELECTIONS – Provides for voluntary public financing of campaigns of candidates for statewide office or the Legislature. (This would not cover justices or judges.)

S1316 – CRIMES – Requires defendants to pay \$150 of the cost of any presentence report.

S1383 – GUARDIANS – Provides that no convicted felon, and no person whose residence is the minor's proposed residence or will be frequented by the minor and is frequented by a convicted felon, shall be appointed guardian unless the court finds by clear and convincing evidence that the appointment is in the best interests of the minor.

S1400a – PROPERTY – Provides a process for the reporting of real estate sale prices to assessors.

S1416 – WATER – Repeals Northern Idaho Water Rights Adjudication.

S1447a - GROUP INSURANCE - Amends existing law relating to the Department of Administration and group insurance.

S1465 – COURTS – Would create the Civil Legal Services Fund, to be used to provide legal representation to low-income persons in certain civil matters and defray the costs of operation of Legal Aid.

S1484 – ELECTIONS – Requires initiatives to include a statement of fiscal impact.

S1506 – ELECTIONS – Allows political parties to select their candidates through primaries or through a “party conducted nomination process,” paid for by the political party; allows voters to select a party affiliation, with affiliated voters being allowed to vote only in their party’s primary and unaffiliated voters being allowed to vote in any party’s primary.

S1507 – ELECTIONS – Provides that if a political party adopts a party rule limiting who can participate in its primary, voters would be asked if they want that party’s primary ballot and each voter’s choice would be recorded in the poll book.

S1513 – IMMIGRATION – Amends I.C. § 18-3001 to provide that falsely personating another person to obtain employment is a misdemeanor; provides that knowingly filing a false and frivolous complaint that an employer is knowingly employing an unauthorized alien is a misdemeanor; provides that prosecuting attorneys shall bring actions in district court against employers for knowingly employing unauthorized aliens; that for a first violation, the district court shall order suspension of all of the employer’s business licenses until the employer has filed an affidavit that the employer has terminated the employment of all unauthorized aliens; provides for suspension of business licenses for 10 days for a second violation, and permanent revocation of all business licenses for a third violation.

♦ 18. NUMERICAL INDEX OF BILLS ♦

Bill Number	Brief Description
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House Bills

[Bills in the “Not Enacted” section are not included in this index listing.]

H0339 – PUBLIC EMPLOYEES

H0366 – MOTOR VEHICLES

H0370 – COURTS

H0381 – CRIMES

H0382a – CRIMES

H0389a – SUBSTANCE ABUSE

H0408a – COURTS

H0409 – COURTS

H0417a – CRIMES

H0428 – WATER

H0429 – MOTOR VEHICLES

H0442 – CRIMES

H0448 – PROPERTY

H0456 – CRIMINAL PROCEDURE
H0465 – HOUSING
H0472 – FISH & GAME
H0473 – FISH & GAME
H0491 – PROPERTY
H0501 – PUBLIC RECORDS
H0508 – SUBSTANCE ABUSE
H0515 – FIREARMS
H0517a – CONSUMERS
H0523 – CRIMES
H0541a – CRIMES
H0545 – CITIES
H0557 – AGRICULTURE
H0559 – ABORTION
H0575 – CHILDREN
H0586 – MOTOR VEHICLES
H0591a – SUBSTANCE ABUSE
H0602a – MOTOR VEHICLES
H0604 – FIREARMS
H0606 – TRANSPORTATION
H0608 – APPROPRIATIONS
H0619 – WATER
H0643 – CRIMES
H0650 – APPROPRIATIONS
H0651 – APPROPRIATIONS
H0654a – CRIMES
H0658 – APPROPRIATIONS
H0695 – APPROPRIATIONS
HJM008 – WATER
HJM011 – WATER
HCR045 – COURTS
HCR049 – PUBLIC EMPLOYEES

Bill Number	Brief Description
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Senate Bills

[Bills in the “Not Enacted” section are not included in this index listing.]

S1252a – PUBLIC EMPLOYEES
S1260 – CRIMES
S1261 – MEDIATION
S1262 – BUSINESS
S1270 – COURTS
S1271 – COURTS
S1272 – COURTS
S1273 – CRIMES
S1287 – JUVENILES
S1288 – COURTS
S1307 – MOTOR VEHICLES
S1317 – CRIMES
S1319 – CRIMES
S1321 – PUBLIC RECORDS
S1324a – PROPERTY
S1325 – CONSERVATORS
S1326 – GUARDIANS AND CONSERVATORS
S1327 – GUARDIANS
S1328 – ESTATES
S1333 – ESTATES
S1334 – PROPERTY
S1335 – POWER OF ATTORNEY
S1339a – CRIMES
S1342 – DOMESTIC RELATIONS
S1348 – WATER
S1349 – CRIMES
S1350 – BUSINESS
S1352 – WATER
S1354 – WATER
S1355 – ATTACHMENTS
S1356a – PUBLIC OFFICERS
S1357 – CRIMES
S1361a – MOTOR VEHICLES
S1362 – CRIMES
S1370a – CRIMES
S1371 – CRIMES
S1372a – CRIMES

S1373 – FISH & GAME
S1374a – FISH & GAME
S1379a – MOTOR VEHICLES
S1380a – IDENTITY THEFT
S1393 – BUSINESS
S1418 – WATER
S1419 – ESTATES
S1420a – TORTS
S1422a – CRIMINAL PROCEDURE
S1426a – MENTAL HEALTH
S1431 – PROPERTY
S1438a – CRIMES
S1441 – FIREARMS
S1442 – MOTOR VEHICLES
S1446 – LOBBYING
S1448 – ADMINISTRATIVE LAW
S1449a – WATERWAYS
S1458 – SUBSTANCE ABUSE
S1469 – APPROPRIATIONS
S1470 – LANDS
S1498 – APPROPRIATIONS
S1502 – APPROPRIATIONS
S1505 – APPROPRIATIONS
S1508 – APPROPRIATIONS
S1514 – ELECTIONS
SCR124 – PRISONS
SJR105 – CONSTITUTION
SJR107 – CONSTITUTION